PROVINCE OF SASKATCHEWAN

09-10

ANNUAL REPORT

MINISTRY OF JUSTICE AND ATTORNEY GENERAL

Freedom of Information
and Protection of Privacy

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This annual report is also available in electronic format from the Ministry's website at **www.justice.gov.sk.ca**

Letter of Transmittal

His Honour the Honourable Dr. Gordon L. Barnhart
Lieutenant Governor of Saskatchewan

May it Please Your Honour:

In accordance with section 63(1) of *The Freedom of Information and Protection of Privacy Act*, I have the pleasure to transmit to your Honour the 2009-10 annual report of the administration of this Act and the Regulations within each government institution during the period April 1, 2009, to March 31, 2010.

Respectfully submitted,

D R morgan

Don Morgan, Q.C.
Minister of Justice and Attorney General

Governing Legislation

The Freedom of Information and Protection of Privacy Act has two main purposes:

- It provides a right of access to records in the possession or control of provincial government institutions; and
- It establishes protection of privacy rules specifying how the government collects, uses and discloses personal information.

The Act applies to all ministries, secretariats and similar agencies of the executive government of Saskatchewan. The Regulations extend that coverage to a broad range of Crown corporations, boards, commissions and others prescribed as government institutions.

The Act applies to records maintained in written, photographic, audiovisual, computer generated and other formats.

Ministry of Justice and Attorney General Responsibilities

The Ministry of Justice and Attorney General provides direction and support to government institutions and to the public as it relates to *The Freedom of Information and Protection of Privacy Act*. The Ministry:

- Provides legal advice to government;
- Provides a leadership role within government on access and privacy issues, including the collection of statistical information related to access to information requests and the preparation of this annual report;
- Prepares and maintains access and privacy tools, such as guidelines, checklists and administrative procedures;
- Provides or supports training and awareness regarding access and privacy; and
- Maintains a website (www.justice.gov.sk.ca/accessandprivacy) providing information to the public, government institutions and local authorities to help with understanding both the access to information and the privacy components of the legislation.

Institutions' Responsibilities

The Act applies individually to each government institution. The head of the government institution, as defined in the Act, is responsible for many decisions under the Act, including responding to applications for access. Under section 60 of the Act, the head may delegate the powers to one or more officers of the government institution.

Access to Records

The Act gives individuals the right of access to records of Saskatchewan government institutions. The Act sets out the rules that govern the process, including:

- How a government institution must respond;
- The collection of fees to prepare the records for response, including when to provide a cost estimate and when the head may waive those fees;
- Setting a 30-day time limit for a response (which may be extended in accordance with the Act);
- Identifying reasons for which access to all or part of a record may be denied; and
- The right of the applicant to request a review by the Information and Privacy Commissioner in certain circumstances.

Privacy

The Freedom of Information and Protection of Privacy Act establishes rules for the collection, use and disclosure of personal information by the Government of Saskatchewan and its agencies, thus helping to protect individual privacy.

Government institutions are responsible for protecting the privacy of personal information.

Reports and Analysis

Introduction to Reports

The Ministry of Justice and Attorney General collects and reports statistical information regarding the exercise of and compliance with access rights under the Act. These reports provide statistical information both by individual government institutions and by the total provincial government administration.

The statistical reports are in the Appendix and include:

Table A - Freedom of Information Statistical Summary Report

- Table A provides an overview of access to information requests processed by all government institutions. It includes the total number of applications received by government, the status of the applications, the processing time to complete the applications, the fees estimated and fees collected to process requests for the fiscal years 2005-06 through 2009-10.

Table B - Exemptions Used to Deny Access

- Table B presents a statistical summary of the exemptions applied to deny access for the fiscal years 2005-06 through 2009-10. These statistics are presented by mandatory exemptions, discretionary exemptions and other.

Table C - Freedom of Information Statistics by Institution - Applications for General Information

- Table C is a statistical report showing the number of general information requests received by each government institution, the action taken on those requests and the fees estimated and collected. If an institution is not listed, it did not receive any general information requests during the 2009-10 fiscal year.
- Applications for general information are requests for records in the possession or under the control of a government institution other than those described as personal information in section 24 of the Act.

Table D - Freedom of Information Statistics by Institution - Applications for Personal Information

- Table D shows the number of personal information requests received by each institution, the action taken on those requests and the fees estimated and collected. If a government institution is not listed, it did not receive any personal information requests during the 2009-10 fiscal year.
- Applications for personal information are requests for records in the possession or under the control of a government institution described in section 24 of the Act.

Note regarding certain government institutions

Effective June 2, 2009, Intergovernmental Affairs became part of Executive Council.

Analysis

Number of Access to Information Requests Processed

In 2009-10, provincial government institutions processed a total of 833 access to information requests – 275 requests for personal information and 558 for general information. This is a substantial increase over the 643 processed in 2008-09 and the previous four-year average of 521.

In 2009-10, the number of requests for general information rose 14 per cent over 2008-09, while the number of requests for personal information rose 77 per cent.

Figure 1 shows the number of requests processed by government institutions in each of the past five fiscal years.

Number of access to information requests processed 2005-06 to 2009-10

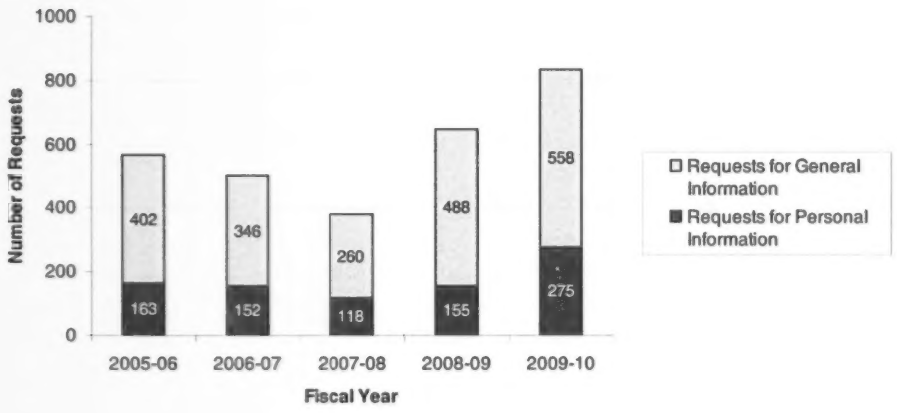


Figure 1

See Tables A, C and D in the Appendix for more details.

Access Request Processing Times

The Freedom of Information and Protection of Privacy Act provides a 30 calendar-day time period for responding to access requests. There are provisions in the Act to extend the response time up to an additional 30 days in limited circumstances (outlined in section 12 of the Act).

On average, in the fiscal years 2005-06 to 2009-10, provincial government institutions have responded to access requests within 30 calendar days 80 per cent of the time. When combined with the allowable 30 calendar-day extension under section 12 of the Act, the average response rate rose to 96 per cent over this same five-year period. In 2009-10, government institutions were just below the five-year average, responding within 30 days 78 per cent of the time and within 60 days 94 per cent of the time.

Access request processing times (personal and general) 2005-06 to 2009-10

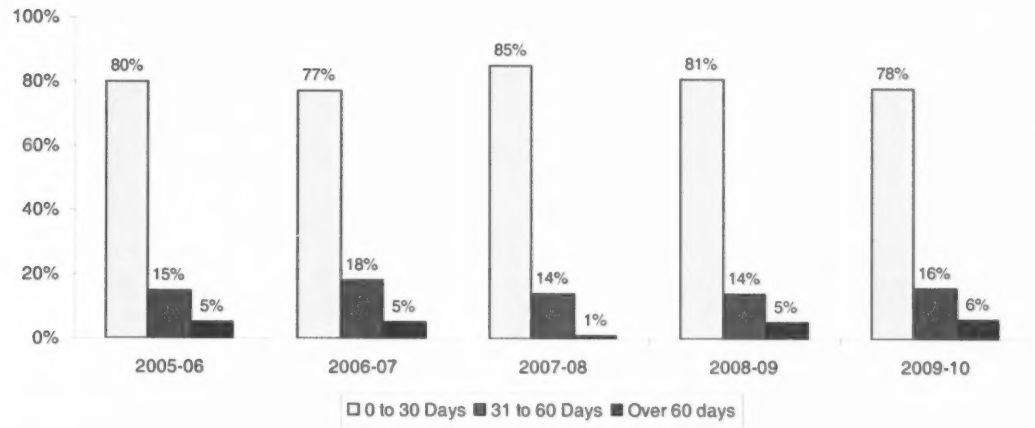


Figure 2

See Table A in the Appendix for more details.

Application Outcomes – Personal Information Requests

Table A, in the Appendix, shows the status of applications received by government institutions, including: if access to the record was granted, denied, or partially granted; if the Act was not required for access; if the record did not exist; or if the record could not be found.

Figure 3, below, shows the outcomes for access to information requests for personal information. This includes the results for the 2009-10 fiscal year and the average of the four previous fiscal years (2005-06 through 2008-09).

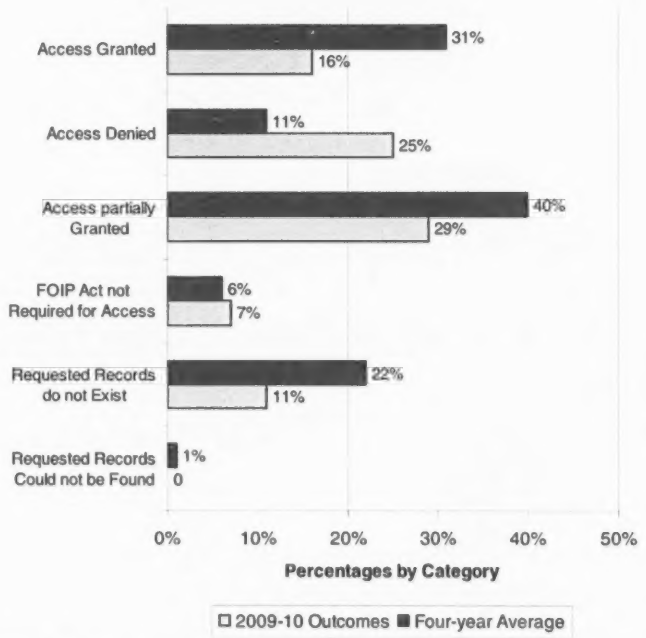
In 2009-10, 16 per cent of access requests for personal information were fully granted, a decrease from the four-year average of 31 per cent.

In the 2009-10 fiscal year, 25 per cent of requests for personal information were fully denied, an increase from the four-year average of 11 per cent.

The number of access requests partially granted in 2009-10 was 29 per cent. This is a decrease from the four-year average of 40 per cent.

The number of access requests in 2009-10 for personal information where the records did not exist was 11 per cent, while the four-year average was significantly higher at 22 per cent.

Application outcomes (personal requests) 2009-10 compared to four-year average (2005-06 to 2008-09)



Note: numbers are rounded and may not add up to 100 per cent.

Figure 3

See Tables A and D in the Appendix for more details.

Application Outcomes – General Information Requests

The following chart shows application outcomes for access to information requests for general information. This includes results for the 2009-10 fiscal year and the average of the four previous fiscal years (2005-06 through 2008-09).

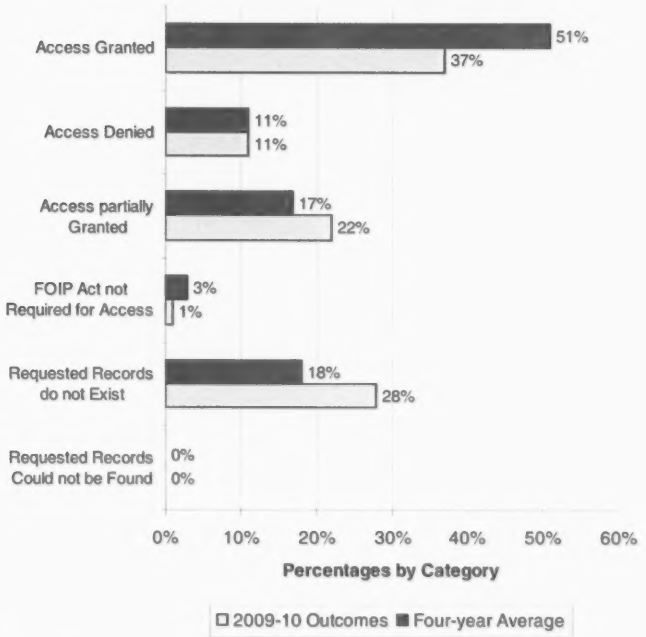
In 2009-10, 37 per cent of requests for general information were fully granted. This is a decease from 2008-09 (46 per cent) and is below the four-year average of 51 per cent.

The number of access requests fully denied in 2009-10 was 11 per cent, matching the four-year average of 11 per cent.

The number of access requests for general information that were partially granted was 22 per cent, up from the four-year average of 17 per cent.

The number of access requests for general information where the records did not exist in 2009-10 was 28 per cent, while the four-year average was 10 points lower at 18 per cent.

Application outcomes (general requests) 2009-10 compared to four-year average (2005-06 to 2008-09)



Note: numbers are rounded and may not add up to 100 per cent.

Figure 4

See Tables A and C in the Appendix for more details.

Appeals to the Information and Privacy Commissioner

Section 49 of *The Freedom of Information and Protection of Privacy Act* provides applicants with a right of review by the Information and Privacy Commissioner:

- Where an applicant is not satisfied with the decision of a head ...;
- Where a head fails to respond to an application for access to a record within the required time; or
- Where an applicant requests a correction of personal information ... and the correction is not made.

Section 33 of the Act provides the Information and Privacy Commissioner with the authority to conduct privacy investigations.

In 2009-10, provincial government institutions reported that the Information and Privacy Commissioner advised of his intent to review 92 access decisions or privacy matters within government institutions, an increase from 50 reported in 2008-09. Based on previous fiscal years, the majority of these will be for access decisions and the vast majority (e.g. 98 per cent in 2008-09) will be resolved informally without the need for a full report.

Further details on reviews and investigations can be found in the Information and Privacy Commissioner's Annual Report available at **www.oipc.sk.ca.**

For More Information

For more information about access to records and protection of privacy in the Government of Saskatchewan, visit:
www.justice.gov.sk.ca/accessandprivacy

Table A
Freedom of Information Statistical Summary Report
2005-06 to 2009-10

	2005-06 Fiscal Year		2006-07 Fiscal Year		2007-08 Fiscal Year		2008-09 Fiscal Year		2009-10 Fiscal Year	
	Personal	**General**	**Personal**	**General**	**Personal**	**General**	**Personal**	**General**	**Personal**	**General**
Applications Received	176	421	145	396	129	317	172	551	397	684
Plus: Applications Carried Forward From Last Year	480	45	27	41	14	44	14	30	16	50
Less: Applications Withdrawn	466	23	5	28	6	31	9	29	18	25
Less: Applications Carried Forward to Next Year	27	41	14	44	14	30	16	50	113	121
Less: Applications Transferred Pursuant to Section 11	*	*	1	19	5	40	6	14	7	30
Total Applications Processed	**163**	**402**	**152**	**346**	**118**	**260**	**155**	**488**	**275**	**558**
Applications Status										
Access Granted	56	234	37	179	37	119	51	226	43	209
Access Denied	24	38	17	33	12	38	10	42	70	63
Partially Granted	50	61	71	63	51	53	61	78	81	120
Do Not Require FOI for Access	17	14	9	6	3	7	11	22	20	6
Records Do Not Exist	14	52	15	62	15	43	22	119	61	158
Records Could Not Be Found	2	3	3	3	0	0	0	1	0	2
Totals	**163**	**402**	**152**	**346**	**118**	**260**	**155**	**488**	**275**	**558**
Processing Time of Applications Completed										
Processed Within 30 Days	117	333	107	274	108	213	135	386	214	433
Processed Within 31-60 Days	25	60	27	64	8	44	12	79	32	100
Processed In More than 60 Days	21	9	18	8	2	3	8	23	29	25
Totals	**163**	**402**	**152**	**346**	**118**	**260**	**155**	**488**	**275**	**558**
Total Fees Estimated **	**$25**	**$76,827**	**$7,222**	**$39,851**	**$143,099**	**$35,133**	**$45,445**	**$206,226**	**$4,436**	**$85,746**
Total Fees Collected **	**$2,485**	**$1,611**	**$45**	**$944**	**$296**	**$1,828**	**$101**	**$99,917**	**$75**	**$3,720**

* Applications transferred were not reported separately in previous fiscal years. Prior to the 2006-07 fiscal year, the total number of transferred applications were subtracted from the number of applications received for that fiscal year.

** The total fees estimated can vary significantly from the total fees collected. The total fees estimated is the cost assessed to process applications as determined by the fee structure outlined in the Regulations. The total fees collected refer to fees actually collected from the applicants. The applicant has several options in regard to the fees. The applicant can: modify the application in order to reduce the costs, request a waiver of the fees, or decide not to pay the fees and therefore not receive access to the records. The Regulations (Section 9) are very specific regarding the types of circumstances in which the Head can waive fees.

Table B Exemptions Used to Deny Access 2005-06 to 2009-10						
Mandatory Exemptions	**Section**	**2005-06 Fiscal Year**	**2006-07 Fiscal Year**	**2007-08 Fiscal Year**	**2008-09 Fiscal Year**	**2009-10 Fiscal Year**
Records from Other Governments	13(1)	3	8	5	21	52
Cabinet Documents	16	10	15	11	31	82
Third Party Information	19	42	67	49	99	142
Confidentiality Provisions in Other Enactments	23	25	30	5	12	15
Disclosure of Personal Information	29	76	110	78	94	124
Personal Information of a Deceased Individual	30	0	2	0	0	0
Totals		**156**	**232**	**148**	**257**	**415**
Discretionary Exemptions	**Section**					
Records from Local Authorities	13(2)	4	1	3	5	9
Information Injurious to Intergovernmental Relations	14	2	1	3	7	20
Law Enforcement and Investigations	15	23	57	28	31	67
Advice from Officials	17	59	71	91	162	296
Economic and Other Interests	18	27	38	20	97	96
Testing Procedures, Tests and Audits	20	1	3	1	4	10
Danger to Health or Safety	21	14	13	12	8	6
Solicitor-Client Privilege	22	32	33	47	53	30
Individual's Access to Personal Information	31(2)	2	1	1	2	1
Totals		**164**	**218**	**206**	**369**	**535**
Other Exemptions	**Section**					
Not a Government Institution	2(1)d	0	0	0	2	1
Published Material or Public Record	3(1)a,b,c	9	7	9	25	29
Existing Rights Preserved	4	4	0	0	10	19
Right of Access Defined	5	0	0	0	0	3
Unable to Identify a Record	6(3)	0	0	0	2	0
Published Material or Material that is to be Published	7(2)b,c	0	0	0	2	2
Records Do Not Exist	7(2)e	68	87	55	155	294
Refuse to Confirm/Deny Records Exist	7(4)	0	1	0	0	0
Totals		**81**	**95**	**64**	**196**	**348**

Note: The numbers in these columns indicate every time an exemption was used to deny access fully or in part. The exemption may be used several times in relation to an individual application and more than one exemption may be used for each application.

Table C

Freedom of Information Statistics by Institution - Applications for General Information
2009-10 Fiscal Year

Institution	Number Carried Forward From Previous Fiscal Year	Plus (+): Number Received	Less (-): Number Transferred	Less (-): Number Withdrawn	Less (-): Number Carried Forward To Next Fiscal Year	Total Number Processed	Access Granted	Access Denied	Access Partially Denied	FOI Not Required For Access	Records Do Not Exist	Records Could Not Be Found	Totals	Fees Estimated	Fees Collected
Advanced Education, Employment and Labour	0	68	1	0	10	57	23	8	19	0	7	0	57	$ 1,632.25	$ 33.63
Agriculture	0	9	0	0	2	7	3	2	1	0	0	1	7	755.00	-
Automobile Injury Appeal Commission	1	1	0	0	0	2	2	0	0	0	0	0	2	-	-
Board of Revenue Commissioners	0	1	0	0	0	1	0	0	1	0	0	0	1	217.50	217.50
Corrections, Public Safety and Policing	2	33	0	2	6	27	4	9	10	0	4	0	27	-	-
Crown Investments Corporation of Saskatchewan	5	22	1	0	2	24	3	5	12	0	4	0	24	-	-
Education	3	13	1	1	0	14	6	0	5	2	1	0	14	945.00	847.50
Energy and Resources	1	24	9	0	1	15	3	3	3	0	6	0	15	8,088.50	-
Enterprise Saskatchewan	5	19	0	0	2	22	4	0	11	0	7	0	22	2,355.00	144.50
Environment	6	155	3	3	16	141	67	2	3	0	68	1	141	11,585.50	1,348.25
Executive Council	2	31	2	0	1	30	4	4	3	0	19	0	30	-	-
Finance	0	29	4	2	2	21	6	9	3	1	2	0	21	394.25	228.25
First Nations and Métis Relations	0	6	1	1	1	3	3	0	0	0	0	0	3	45,000.00	-
Government Services	1	8	0	0	2	7	1	1	3	0	2	0	7	770.00	-
Health	3	58	2	3	8	48	8	6	27	0	7	0	48	6,052.78	510.22
Highways and Infrastructure	2	12	1	0	2	11	6	2	1	1	1	0	11	-	-
Information Services Corporation	0	3	0	0	0	3	2	0	0	0	1	0	3	-	-
Information Technology Office	0	1	0	0	0	1	1	0	0	0	0	0	1	-	-
Intergovernmental Affairs	0	1	0	0	0	1	0	0	0	0	1	0	1	-	-
Justice and Attorney General	3	61	4	1	50	9	3	1	2	0	3	0	9	60.00	60.00
Labour Relations Board	2	0	0	0	0	2	0	0	0	0	2	0	2	-	-
Municipal Affairs	0	9	0	0	1	8	3	0	2	0	3	0	8	-	-
Office of Residential Tenancies	0	1	0	0	0	1	0	0	0	1	0	0	1	-	-
Provincial Secretary	0	1	0	0	0	1	0	0	1	0	0	0	1	-	-
Public Guardian and Trustee	0	1	0	0	0	1	0	1	0	0	0	0	1	-	-

Table C

Freedom of Information Statistics by Institution - Applications for General Information
2009-10 Fiscal Year

Institution	Number Carried Forward From Previous Fiscal Year	Plus (+): Number Received	Less (-): Number Transferred	Less (-): Number Withdrawn	Less (-): Number Carried Forward To Next Fiscal Year	Total Number Processed	Access Granted	Access Denied	Access Partially Denied	FOI Not Required For Access	Records Do Not Exist	Records Could Not Be Found	Totals	Fees Estimated	Fees Collected
Public Service Commission	0	2	0	0	0	2	1	0	0	0	1	0	2	-	-
Saskatchewan Archives Board	0	3	0	0	0	3	2	1	0	0	0	0	3	-	-
Saskatchewan Crop Insurance Corporation	0	3	0	0	0	3	1	0	0	0	2	0	3	-	-
Saskatchewan Financial Services Commission	0	1	0	0	0	1	0	0	1	0	0	0	1	-	-
Saskatchewan Government Insurance	0	11	0	0	2	9	7	1	1	0	0	0	9	-	-
Saskatchewan Housing Corporation	0	2	0	0	0	2	0	1	1	0	0	0	2	-	-
Saskatchewan Human Rights Commission	0	1	0	0	1	0	0	0	0	0	0	0	0	445.00	-
Saskatchewan Liquor and Gaming Authority	1	1	0	1	0	1	0	0	1	0	0	0	1	-	-
Saskatchewan Power Corporation	2	33	0	6	4	25	18	1	1	0	5	0	25	-	-
Saskatchewan Research Council	0	3	0	0	0	3	3	0	0	0	0	0	3	-	-
Saskatchewan Telecommunications	3	4	0	2	0	5	2	2	1	0	0	0	5	-	-
Saskatchewan Transportation Company	0	2	0	0	0	2	1	0	0	0	1	0	2	1,045.00	-
Saskatchewan Water Corporation	0	1	0	0	0	1	1	0	0	0	0	0	1	-	-
Saskatchewan Watershed Authority	2	1	0	0	1	2	2	0	0	0	0	0	2	-	-
SaskEnergy Incorporated	1	4	0	1	0	4	2	0	1	0	1	0	4	5,938.00	317.50
Social Services	3	9	0	0	2	10	7	1	0	1	1	0	10	12.75	12.75
Tourism, Parks, Culture and Sport	0	25	1	2	2	20	7	1	6	0	6	0	20	15.50	-
Wascana Centre Authority	0	10	0	0	3	7	3	1	0	0	3	0	7	433.75	-
Workers' Compensation Board	0	1	0	0	0	1	0	1	0	0	0	0	1	-	-
Totals	**50**	**684**	**30**	**25**	**121**	**558**	**209**	**63**	**120**	**6**	**158**	**2**	**558**	**$ 85,745.78**	**$ 3,720.10**

Table D

Freedom of Information Statistics by Institution - Applications for Personal Information

2009-10 Fiscal Year

	Number Carried Forward From Previous Fiscal Year	Plus (+): Number Received	Less (-): Number Transferred	Less (-): Number Withdrawn	Less (-): Number Carried Forward to Next Fiscal Year	Total Number Processed	Access Granted	Access Denied	Access Partially Denied	FOI Not Required For Access	Records Do Not Exist	Records Could Not Be Found	Totals	Fees Estimated	Fees Collected
Advanced Education, Employment and Labour	0	26	2	0	4	20	4	4	5	0	7	0	20	$ 470.00	$ -
Agriculture	0	3	0	0	0	3	1	1	0	0	1	0	3	-	-
Corrections, Public Safety and Policing	4	220	1	7	83	133	3	52	39	0	39	0	133	-	-
Finance	1	5	0	2	0	4	4	0	0	0	0	0	4	270.00	-
Information Services Corporation	0	1	0	0	0	1	0	0	0	0	1	0	1	-	-
Justice and Attorney General	0	11	0	1	4	6	2	3	0	0	1	0	6	-	-
Labour Relations Board	0	2	0	0	2	0	0	0	0	0	0	0	0	-	-
Public Service Commission	0	6	1	0	2	3	0	0	2	0	1	0	3	1,144.00	-
Saskatchewan Government Insurance	3	53	3	5	3	45	13	2	30	0	0	0	45	281.30	-
Saskatchewan Power Corporation	0	2	0	0	1	1	1	0	0	0	0	0	1	-	-
Saskatchewan Telecommunications	0	3	0	0	0	3	1	1	0	0	1	0	3	75.00	-
SaskEnergy Incorporated	0	1	0	0	0	1	1	0	0	0	0	0	1	-	-
Social Services	6	19	0	3	8	14	4	0	2	5	3	0	14	1,894.00	75.00
Tourism, Parks, Culture and Sport	0	1	0	0	0	1	0	0	1	0	0	0	1	-	-
Wascana Centre Authority	2	23	0	0	6	19	9	2	1	0	7	0	19	301.25	-
Workers' Compensation Board	0	21	0	0	0	21	0	5	1	15	0	0	21	-	-
Totals	**16**	**397**	**7**	**18**	**113**	**275**	**43**	**70**	**81**	**20**	**61**	**0**	**275**	**$ 4,435.55**	**$ 75.00**